

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHAFIYQ JONES,

Plaintiff,

-V-

THE CITY OF NEW YORK et al.,

Defendants.

22-CV-3924 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On May 11, 2023, Defendants filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.


Accordingly, it is hereby ORDERED that, notwithstanding the briefing schedule adopted on May 3, 2023, ECF Nos. 27-28, Plaintiff shall file any amended complaint by **June 1, 2023**. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Defendants file an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendants file a new motion to dismiss, any opposition shall be filed within four weeks, and any reply shall be filed within two weeks of any opposition.

If no amended complaint is filed, the existing briefing schedule shall remain in effect, pursuant to which Plaintiff shall file any opposition to the motion to dismiss by **June 9, 2023**, and Defendant shall file any reply by **June 23, 2023**. *See* ECF Nos. 27-28.

SO ORDERED.

Dated: May 12, 2023
New York, New York


JESSE M. FURMAN
United States District Judge